

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Sergio DIEGO-Sevilla

Case No. 2:25-mj-115

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 23, 2025 in the county of Muskingum in the Southern District of Ohio, the defendant(s) violated:

Code Section
8 U.S.C. 1326(a)

Offense Description
Reentry of a removed alien.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 03/03/2025

City and state: Columbus, OH

Complainant's signature

John Wissel, Deportation Officer/TFO-HSI

Printed name and title

Judge's signature

Elizabeth A. Preston Deavers, Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN THE MATTER OF THE
CRIMINAL COMPLAINT OF:
Sergio DIEGO-Sevilla**

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Case No.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer John S. Wissel, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with more than sixteen years of federal law enforcement experience currently employed as an Immigration Agent with United States Immigration and Customs Enforcement (ICE). I am assigned to the Columbus, OH, Office of Enforcement and Removals. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the Immigration Enforcement Agent course at the Federal Law Enforcement Training Center (FLETC) at Artesia, New Mexico.
2. Based on my training and experience, your affiant knows that a DHS “A-File” is a file in which all immigration records are maintained for aliens admitted or found to be illegally present in the United States. Your affiant also knows that a DHS A-File usually contains forms, photographs, fingerprints, court records of conviction, and all records relating to deportation or other actions by DHS (or INS) with respect to the subject alien for whom the DHS A-File is maintained. The A-file corresponds with an “A-number”, a unique number assigned to foreign nationals as they undergo proceedings through the United States immigration system.
3. The information in this affidavit is based on my personal knowledge, information provided by other law enforcement officers and individuals, and the reports and memoranda of other law enforcement officers. The information in this affidavit is provided for the limited of establishing probable cause in connection with this application for a criminal complaint and an arrest warrant. This affidavit does not include all the information gathered during this investigation. The following information is based on my personal knowledge, the knowledge of other agents and officers, as well as investigations conducted by other law enforcement entities.

PROBABLE CAUSE – ILLEGAL REENTRY

4. According to his A-file, DIEGO-Sevilla is a citizen of Mexico and has no legal status in the United States. A search of immigration databases and a criminal history search revealed the following immigration history.
5. DIEGO-Sevilla is a citizen and national of Mexico with no claim to United States citizenship. DIEGO-Sevilla has been assigned Alien Registration # A201 028 895.
6. On or about November 20, 2010, DIEGO-Sevilla was apprehended at or near Nogales, Arizona by the United States Border Patrol (USBP). The USBP issued DIEGO-Sevilla an Expedited Removal. On January 17, 2011, DIEGO-Sevilla was removed from the U.S. to Mexico. On that day, DIEGO-Sevilla surrendered his fingerprint and photo on Immigration Form, I-296 (Notice to Alien Ordered Removed/Departure Verification) and signed the same day. DIEGO-Sevilla was witnessed by an Immigration Officer who documented the departure by way of signature on Immigration Form I-296.
7. On or about April 10, 2011, DIEGO-Sevilla was apprehended at or near Nogales, Arizona by USBP. The USBP issued DIEGO-Sevilla Reinstatement of Deport Order. On April 14, 2011, DIEGO-Sevilla was removed from the U.S. to Mexico. On that day, DIEGO-Sevilla surrendered his fingerprint and photo on Immigration Form, I-205 (Warrant of Removal/Deportation) and signed the same day. DIEGO-Sevilla was witnessed by an Immigration Officer who documented the departure by way of signature on Immigration Form I-205.
8. On or about December 14, 2017, DIEGO-Sevilla was apprehended at or near Sasabe, Arizona by USBP. The USBP issued DIEGO-Sevilla Reinstatement of Deport Order. On December 15, 2017, DIEGO-Sevilla was removed from the U.S. to Mexico. On that day, DIEGO-Sevilla surrendered his photo on Immigration Form, I-205 (Warrant of Removal/Deportation) and signed the same day. DIEGO-Sevilla was witnessed by an Immigration Officer who documented the departure by way of signature on Immigration Form I-205.
9. On or about March 8, 2018, DIEGO-Sevilla was apprehended at or near Green Valley, Arizona by USBP. The USBP issued DIEGO-Sevilla Reinstatement of Deport Order. On May 15, 2018, DIEGO-Sevilla was removed from the U.S. to Mexico. On that day, DIEGO-Sevilla surrendered his fingerprint and photo on Immigration Form, I-205 (Warrant of Removal/Deportation) and signed the same day. DIEGO-Sevilla was witnessed by an Immigration Officer who documented the departure by way of signature on Immigration Form I-205.
10. On March 9, 2018, in the United States District Court, District of Arizona, DIEGO-Sevilla plead guilty to Count 2 of the complaint, Improper Entry by Alien, a petty misdemeanor offense, in violation of Title 8, United States Code, Section 1325(a)(1). For this offense, the court imposed a sixty-day prison sentence. Case # 18-23437M.

11. On January 23, 2025, at approximately 1600 hours, the Licking County Ohio Sheriff's Office stopped a Toyota Highlander bearing State of Arizona plate number 8SA03P for traffic violations. The vehicle was stopped in Muskingum County Ohio on I-70 East near mile marker 164. The vehicle was occupied by five individuals, none of whom have lawful status in the United States. The Sheriff's Office contacted Homeland Security Investigations (HSI). HSI, shortly later arrived on scene and determined all persons listed above were interviewed regarding their alienage. At that time, it was determined that all persons listed above were present in the U.S. without and legal documentation that would allow them to live, work, or reside in the U.S. at any time. All listed persons were taken into custody and were transported back to the HSI and ICE Office in Columbus, Ohio for further administrative processing. DIEGO-Sevilla is currently detained in ICE custody pending removal at the Seneca County Jail in Tiffin, Ohio.
12. After a verification of fingerprints, ICE determined that DIEGO-Sevilla had previously been ordered removed from the United States and is subject to prosecution for illegal re-entry, being found in the United States after being barred from reentering this country for twenty years. Biometric and records checks confirmed that DIEGO-Sevilla did not receive permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security for this reentry into the United States.

CONCLUSION

13. I submit that the foregoing facts establish probable cause that DIEGO-Sevilla has committed a violation of 8 U.S.C. § 1326(a), being an alien who: (1) has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation, or removal is outstanding; (2) thereafter entered, attempted to enter, or at any time was found in the United States; and (3) did not have consent from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States prior to either his re-embarkation at a place outside the United States or his application for admission from a foreign contiguous territory.



John S. Wissel
Deportation Officer/HSI TFO
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 3rd day of March 2025.


ELIZABETH A. PRESTON DE AVERS
UNITED STATES MAGISTRATE JUDGE

